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On behalf of the Government:

MARSHAWN STOKES

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E X C E R P T

THE COURT: All right. We may resume with this witness.

MR. CLARKE: Thank you, Your Honor. Your Honor, can I ask that he be reminded of his continuing oath?

THE COURT: Yes. You remain under oath, sir.

BY MR. CLARKE:

Q Mr. Stokes, I think we left off yesterday with the time period when you asked your mother, Brenda Stokes, to contact the U.S. Attorney's Office. Is that correct?

A Yes.

Q And did you specifically have the name of somebody that you wanted your mother to contact?

A Ms. Sandra wilkinson.

Q Repeat that, please.

A Ms. Sandra wilkinson.

Q And how did you get the name of Sandra wilkinson?

A From Mr. Morales.

Q And what if anything did he say about Ms. Sandra wilkinson as to who she was and why he was mentioning her?

A He just said that she was the prosecuting attorney against him and he was just talking negatively about her, saying that she wasn't as smart as she thought she was and things like that.

1 Q So you figured that the letter should get to  
2 her?

3 A Yes.

4 Q And did you show your mother that?

5 A The letter that I mailed?

6 Q Yes.

7 A Yes.

8 Q All right. I had also asked you if you knew the  
9 name of Troy after Mr. Morales told you this story in the  
10 summer of 2012 and you said at first you did not. Is that  
11 correct?

12 A Yes.

13 Q And then I asked you if there came a time when  
14 you did learn his last name and that's when you started  
15 talking about this letter. Correct?

16 A Yes.

17 Q When you were subpoenaed to come to the grand  
18 jury and testify on September 11th of 2012, did you see  
19 your letter again that day?

20 A Yes.

21 Q And were you being interviewed prior to your  
22 testimony before the grand jury when you saw that letter?  
23 In other words, where did you see the letter, sir, again?

24 A When I came in for the grand jury hearing.

25 Q At the courthouse?

1 A Yes.

2 Q And is that when you first told the authorities  
3 about this letter?

4 A Yes.

5 Q And at that point in time did the authorities  
6 have the letter?

7 A No.

8 Q And so what happened in your presence?

9 A The agent called my mom and my father and  
10 requested that they bring the letter down to you guys.

11 Q And in fact was that letter brought to us?

12 A Yes.

13 Q And you've already identified Government's  
14 Exhibit Number S-3 as being that letter. Is that correct?

15 A Yes.

16 Q And you've already testified that in that  
17 letter, you had put your eyeglass prescription; is that  
18 correct, as S-4?

19 A Yes.

20 Q When you looked at the letter in Baltimore, was  
21 your prescription in there?

22 A Yes.

23 Q Did you ever get your eyeglasses?

24 A Yes.

25 Q And yesterday, you talked about S-5, which is

1 some magazine pages and some articles and S-7. Correct?

2 A Yes.

3 Q Another set of magazine articles. Correct?

4 A Yes.

5 Q And they're the ones that you wanted to have  
6 when you arrived in Baltimore?

7 A Yes.

8 Q And were they also in the envelope at the  
9 courthouse when you saw it on September the 11th of 2012?

10 A Yes.

11 Q I'm now showing you S-10. I don't believe I  
12 showed you this yesterday. Did I show you this yesterday,  
13 sir?

14 A No, sir.

15 Q All right. And do you recognize that?

16 A Yes.

17 Q What is it?

18 A There are two phone numbers. One of a guy named  
19 Philly P that was in Allenwood in 1-A with Jose and I and  
20 a number to a female friend of mine is at the bottom.

21 Q would you please read this name here?

22 A Philly P.

23 Q And who wrote this, sir?

24 A If I'm not mistaken, Philly P wrote that.

25 Q And why did Philly P write this to you and why

1 do you have it?

2 MR. ZUCKER: Objection to why Philly P wrote it  
3 to him.

4 BY MR. CLARKE:

5 Q Well, how is it that you came into possession of  
6 a note with Philly P writing on it?

7 A Well, he gave it to me for Mr. Morales. It was  
8 about to get some drugs --

9 MR. ZUCKER: Objection. The basis is obviously  
10 hearsay.

11 THE COURT: All right. Sustained. Just answer  
12 the question, who gave it to you.

13 BY MR. CLARKE:

14 Q Whose handwriting is on the bottom?

15 A That's mine.

16 Q And whose handwriting is above it?

17 A That's Philly P's.

18 Q Did you include that in the envelope to be sent  
19 to Baltimore?

20 A Yes.

21 Q I'm showing you Government's Exhibit S-9. Do  
22 you recognize that, sir?

23 A Yes.

24 Q What is it?

25 A That's the phone number of another guy that was

1 at Allenwood on 1-A with us named Steve Silverman. That's  
2 his mother's phone number.

3 Q And whose handwriting is that?

4 A He wrote the number and I wrote his mother's  
5 name at the bottom.

6 Q And why did he give this to you?

7 MR. ZUCKER: Objection.

8 THE COURT: If he knows.

9 MR. CLARKE: It's not for the truth of the  
10 matter, Your Honor.

11 THE COURT: For what purpose are you offering  
12 it?

13 MR. CLARKE: For the purposes that he has a  
14 reason for having this in the letter.

15 THE COURT: All right. Overruled.

16 THE WITNESS: He just -- he didn't have phone  
17 privileges at the time and he needed some money. So he  
18 just asked when I got to Baltimore to call his mother or  
19 have my mother call to send him some money.

20 BY MR. CLARKE:

21 Q Showing you S-8. And was S-9, the one I just  
22 showed you, was that also in the envelope?

23 A Yes.

24 Q And do you recognize S-8?

25 A Yes.



1 Q What is it?

2 A It's my handwriting. Exactly what I wrote that  
3 for, I'm sure by looking at it, it has to do with some  
4 type of business or it can even do with law. I usually  
5 write things down. Being as though my property was  
6 already gone and I only had the letter, if I see something  
7 on T.V. or I see something of interest, I'll just write  
8 the information down. So right now, I can't really  
9 remember what is it, you know, what it was, the purpose.  
10 But it had to be law or business for me to write it down.

11 Q All right, sir. It appears to be a Internet  
12 address?

13 A Yes.

14 Q Would you have Internet access once you got to  
15 Baltimore?

16 A No. Not Internet access. No.

17 Q All right. And who's Elgin James?

18 A Like I said, off the top of my head, I don't  
19 know. It must have came off of T.V. or a book or  
20 something that I saw and I just thought it was something  
21 of interest so I wrote it down.

22 Q So you don't recognize what little birds mean?

23 A No.

24 Q This was a note to yourself?

25 A Yes.

1 Q Today you can't recall what it was about?

2 A No.

3 Q I'm showing you Government's Exhibit S-11. What  
4 is that, sir?

5 A A little plastic bag that if I'm not mistaken,  
6 that little ear buds -- earphones come in.

7 Q All right. And was that also included?

8 A Yes.

9 Q And why was that included?

10 A That was included because the note that Mr.  
11 Morales gave me, I put it inside of that.

12 Q And why did you put it inside of that?

13 A So that my mom wouldn't touch it.

14 Q And why didn't you want your mom to touch it?

15 A Because Mr. Morales had touched it and he had  
16 wrote something on it and I didn't want my mother's  
17 fingerprints to be on it.

18 Q What was your intention once this got to the  
19 authorities?

20 A That maybe Mr. Morales' fingerprints would be on  
21 it.

22 Q Showing you Government's Exhibit S-6. Do you  
23 recognize that, sir?

24 A Yes.

25 Q What is it?

1           A     It's Jose Morales' name, his mother's address,  
2     his I.D. number, his mother's phone number and his  
3     sister's phone number.

4           Q     And who wrote that, sir?

5           A     Mr. Morales.

6           Q     And was this color purple when he gave it to  
7     you?

8           A     No.

9           Q     All right. Was this scale tag also on there  
10    when he gave it to you?

11          A     No.

12          Q     I'm showing you Government's Exhibit S-21. Is  
13    this how it appeared, sir, when he gave it to you without  
14    that tag and without the purple coloring?

15          A     Yes.

16          Q     And can you tell us what this information on the  
17    front was supposed to be about? In other words, did Mr.  
18    Morales ask you to do anything in reference to the  
19    information he had written on this note?

20          A     Well, it was several things. Probably of the  
21    most important, when he told me Mr. Troy Lucas' name, he  
22    wanted me to see if he was in the jail when I came down to  
23    CTF in Baltimore and he said to find out if Mr. Troy Lucas  
24    was incarcerated. And if so, to let his mom or sister  
25    know so they can notify him.

1 Q And did he say why he wanted to know if Troy  
2 Lucas was at the Federal Detention Center in Baltimore?

3 A Well, Mr. Morales assumed that if Mr. Troy Lucas  
4 was in fact incarcerated at CTF in Baltimore that he  
5 probably was cooperating with the government.

6 Q As to what case?

7 A This current case now.

8 Q In terms of the story that he had told you?

9 A Yes.

10 Q And whose address was this supposed to be?

11 A His mom's.

12 Q And that's her phone number?

13 A Yes.

14 Q And who is Carmenza?

15 A His sister.

16 Q And showing you again, that's 21, he provided  
17 the phone number for his sister, Carmenza. Correct?

18 A Yes.

19 Q And do you recognize any of this up here in the  
20 corner of Government's S-6, that scratch math?

21 A Vaguely. I mean it was, you know, of no  
22 importance, but I vaguely remember it being there, just  
23 like scribble or something.

24 Q Did you put that there?

25 A No.

1 Q Do you know who put that there?

2 A I would have to assume Mr. Morales.

3 Q But you don't know as to that?

4 A No.

5 Q All right. And do you know -- can you tell us  
6 how it came to be that he gave you S-6? In other words,  
7 where did this take place?

8 A On Unit 1-A. We walked up to his cell. I  
9 waited outside the door. He went in and he was telling me  
10 about he was going to write the information down. So he  
11 went into his cell to retrieve the piece of paper. He  
12 wrote down the information and one of the phone numbers at  
13 this time, I can't remember which one, either his mom or  
14 his sister's, he didn't know right offhand. So even  
15 though he wrote everything down he showed me, he told me  
16 to wait. He had to call one or the other to get the  
17 other's phone number. So then later on, he actually gave  
18 me the paper later on.

19 Q All right. And when he went into his cell --

20 A Yes.

21 Q -- were you present there with him?

22 A Yes. Standing right in front of the door.

23 Q In front of the door?

24 A Yes.

25 Q And do you know where he got this piece of

1 paper?

2 A From inside his cell.

3 Q I understand. But do you know specifically  
4 where he obtained this piece of paper?

5 A It looks to be --

6 Q I'm not asking what it looks to be, sir. I'm  
7 asking you if you saw him get this paper?

8 A Oh, did I see him get the paper?

9 Q Yeah. Did you see how he -- it appears to be  
10 torn, sir.

11 A Right.

12 Q I'm asking you if you know the origin of this  
13 piece of paper --

14 A Yes. It came --

15 Q Listen to me. Not what's written on it. I'm  
16 asking you if you know the origin of this torn piece of  
17 paper?

18 A It came from a sheet that we have. It's like a  
19 complaint form or a piece -- a form that you fill  
20 something out to the case managers or things like that.  
21 It's a torn piece of paper off of that.

22 Q And what are those forms used for?

23 A Like I said, complaints or getting in contact  
24 with your case management or other staff members, things  
25 of that nature.

1 Q So is this a Bureau of Prison form that you used  
2 to communicate with the prison staff?

3 A Yes.

4 Q And you've already testified that he wanted you  
5 to get in contact with his mom or his sister and tell them  
6 information about Troy. And was his name also to be  
7 written down on this piece of paper so you remember it?

8 A Yes. But not -- by alphabets.

9 Q I'm showing you the back of S-6. I want to draw  
10 your attention to the bottom where it says this form  
11 replaces BP148-070 dated October '86 and BPS148-070.  
12 April '94. Do you see that, sir?

13 A Yes.

14 Q Do you recognize that type of form writing?

15 A Yes. They are laid out daily on the police's  
16 station for us to grab them at will in case someone needs  
17 to use them.

18 Q All right. And do you know if this date was  
19 already on that form or do you know?

20 A Yes. It had to have been. I didn't write it.  
21 When he handed it to me, it was there.

22 Q I understand. And sir, how about this writing  
23 above?

24 A That would be -- that was also on there.

25 Q All right. And what did you think that was?

1           A     I know Mr. Morales explained to me that was Troy  
2     Lucas name spelled with numbers just to I guess throw  
3     anybody off who first initially looked at it. But I would  
4     know what it is. It's Troy Lucas' name. It was just so I  
5     could remember it.

6           Q     Without writing his name?

7           A     Without writing his name.

8           Q     And did you compare these numbers that are  
9     written here with the letters of the alphabet?

10          A     No. I never actually did. But I assumed that's  
11     what it was. That's what he told me.

12          Q     You testified earlier that you included S-11 in  
13     your letter and that you put something in it. What was  
14     the something that you put in it?

15          A     The piece of paper you just had on the screen  
16     previously.

17          Q     S-6. Correct?

18          A     Yes.

19                MR. CLARKE: One moment, Your Honor, please.

20                (Pause.)

21                BY MR. CLARKE:

22          Q     Mr. Stokes, after you testified in front of the  
23     grand jury, were you returned to Allenwood, Pennsylvania?

24          A     Yes, sir.

25          Q     And how long did you stay there?



1 A From October to April.

2 Q And were you put back in your original cell?

3 A No. Not in my original cell, but I went back to  
4 my original unit just for one day. Not even a day. Maybe  
5 from 9:30 that night to 6:00 in the morning.

6 Q All right. And were you in the same area of the  
7 prison where Mr. Morales was?

8 A Well, when I got back, Mr. Morales was gone.

9 Q After you initially spoke to the authorities on  
10 July I believe it was the 30th of 2012, did you send  
11 letters or other information about conversations you had  
12 had with Mr. Morales after that date?

13 A Yes.

14 Q And just so we're clear, you were only together  
15 about another month after that meeting that you had with  
16 the authorities. That is you said that the meeting  
17 happened around July 30th of 2012 and that you left in the  
18 first week of September. Is that correct?

19 A Yes.

20 MR. CLARKE: I have no other questions of this  
21 witness at this time, Your Honor.

22 THE COURT: Cross-examination.

23 MR. ZUCKER: Thank you, judge.

24 CROSS-EXAMINATION

25 BY MR. ZUCKER:

1 Q Good morning, Mr. Stokes.

2 A Hello.

3 Q So Mr. Stokes, you are currently serving a life  
4 sentence without the possibility of parole. Is that  
5 correct?

6 A Yes, sir.

7 Q And that's based on your having been convicted  
8 of an ongoing RICO conspiracy as well as two murders. Is  
9 that correct?

10 A No, sir.

11 Q The murders were in furtherance of the RICO  
12 conspiracy?

13 A It was one, not two.

14 Q Weren't you convicted of two murders, sir?

15 A No, sir.

16 MR. ZUCKER: Moment to consult.

17 MR. CLARKE: May we approach with the clerk,  
18 Your Honor?

19 (Pause.)

20 BY MR. ZUCKER:

21 Q In any event, you are serving life without  
22 parole involving a murder. Correct?

23 A Yes, sir.

24 Q And in that case, you received as the prosecutor  
25 pointed out an upward adjustment for obstruction of

1 justice. Is that correct?

2 A I think so. Yes.

3 Q well, in particular -- while all those charges  
4 were pending against you, you conspired with other people  
5 to kill several witnesses; isn't that correct, unless they  
6 would refuse to testify?

7 A No, sir.

8 Q That's not correct. That was the basis, part of  
9 the basis for the upward adjustment. Wasn't that in your  
10 case, sir, conspiring to kill witnesses?

11 A When I say no, sir, I didn't remember them  
12 saying anything about killing --

13 Q You got to keep your voice up.

14 A I said I didn't remember them saying anything  
15 about killing anyone. It was just talking to other people  
16 about not showing up for court.

17 Q I guess let me make sure -- maybe my question  
18 wasn't as clear as I should have been. I didn't say you  
19 were given an upward adjustment for killing people. It  
20 was for conspiring to kill people unless they refused to  
21 testify. Is that consistent now with your recollection?

22 A Yes, sir.

23 Q Okay. And in addition, you suborned perjury by  
24 having Holly Brown, one of the witnesses in your case,  
25 come in and give false testimony contradictory to other

1 testimony she had given earlier. Isn't that correct?

2 A From my recollection, sir, that's what they  
3 said. But that wasn't true.

4 Q I see. And similarly, you threatened to kill or  
5 intimidate a witness named Danielle Turner. Correct?

6 A No, sir.

7 Q That didn't occur in the gym of BCDC in April of  
8 1999 where you told her not to come to court?

9 A No. Then once again, we spoke. It was never a  
10 threat, sir.

11 Q I see. So you spoke to her and tried to  
12 encourage her not to come?

13 A No. I asked her why was she testifying against  
14 me. That was my co-defendants' cousin, their first  
15 cousin.

16 Q And the purpose of that conversation was to  
17 discourage her from testifying as she had previously.  
18 Isn't that correct?

19 A I said I just asked her why was she testifying.  
20 I didn't ask her not to come.

21 Q But what was the purpose of the conversation  
22 from your perspective? You were just curious?

23 A We are like family. I knew her for a long time.  
24 My two co-defendants, as I said, she is their first  
25 cousin. They have the same mothers, brothers, you know,

1 all of that. So I just asked her why was she testifying.

2 Q And was it not your intent to hope that she  
3 would be discouraged from testifying against you? That  
4 was part of the basis for the upward adjustment, wasn't  
5 it, sir?

6 A Well, yeah. Of course, I wouldn't want her to.  
7 But yes.

8 Q And you actually wrote letters to the residents  
9 of Schering Road, including someone named Askia and  
10 Williams to confront witnesses, to confront witnesses and  
11 name those witnesses and make sure they weren't going to  
12 cooperate and that they would sign false affidavits.  
13 Isn't that correct, sir?

14 A No, sir. Not false affidavits --

15 MR. CLARKE: May he finish his answer, Your  
16 Honor?

17 THE WITNESS: Mr. Askia that you named and  
18 Cornell Williams that you named are the first cousins of  
19 Danielle Turner that we were just previously talking  
20 about. And of course, I asked them to talk to their  
21 cousin in reference to why she was testifying against all  
22 of us. Not just me, but her own cousins as well.

23 BY MR. ZUCKER:

24 Q I see. And was it not your communication to  
25 tell them, to make sure they were not going to cooperate

1 and to try and get them to sign affidavits?

2 A I probably did ask them to sign affidavits.

3 Q And to basically you were asking -- you were  
4 intimidating witnesses who were witnesses against you;  
5 isn't that correct, sir? Trying to obstruct justice?

6 A Well, I don't necessarily think that asking  
7 someone to sign a affidavit is a threat. The defense asks  
8 people to sign affidavits all the time. I don't think  
9 that's a threat. You just want that person --

10 Q The question was --

11 MR. CLARKE: Your Honor, may he finish what he  
12 was saying about people asking other people to --

13 THE COURT: Please don't interrupt the witness.  
14 Let him finish his answer.

15 MR. CLARKE: Can he finish his answer, Your  
16 Honor? Can he finish his answer?

17 THE WITNESS: Well, signing affidavits is just a  
18 legal strategy used by the prosecution and the defense.  
19 It doesn't necessarily equal to a threat, sir.

20 BY MR. ZUCKER:

21 Q All right. There are other people though you  
22 did agree that you had conversations and conspired to kill  
23 if they refused to testify -- unless they refused to  
24 testify. Right? We've already gotten that out.

25 A Well, that's what you said. I didn't agree to

1       that we tried to kill anybody else, sir.

2           Q     That you had conversations agreeing,  
3     conspiring -- you know what conspiring is. It's  
4     conspiracy. Is that right?

5           A     Yes, sir, I do.

6           Q     Conspiracy means an agreement. Right?

7           A     Yes, sir.

8           Q     And so there were conversations in which it was  
9     agreed between you and others that people would be told if  
10    they did not refuse to testify, they would be murdered?

11          A     I don't recall that. But I do recall getting a  
12    two-point enhancement because that's what the prosecution  
13    said at the time.

14          Q     So did the prosecution lie on you?

15          A     Well, everything they said wasn't true.

16          Q     Had they lied about that?

17          A     I just think that somebody gave them  
18    misinformation as far as the witnesses.

19          Q     So people gave them false information and they  
20    used that against you?

21          A     Well, I would think so.

22          Q     That happens, doesn't it?

23          A     I mean I can't say about -- I can only speak for  
24    my case.

25          Q     Well, that's certainly what you are doing here

1 today, isn't it, sir?

2 A Doing what?

3 Q Giving false information against Mr. Morales to  
4 benefit yourself.

5 A No, sir.

6 Q So everything you are saying here today is the  
7 truth?

8 A And nothing but.

9 Q And you've told us you're testifying here today  
10 in the hopes of getting a Rule 35(b) motion. Is that  
11 correct?

12 A In hopes. Yes, sir.

13 Q And a 35(b) motion is a motion, a potential  
14 motion that can be filed by the prosecution to reduce your  
15 sentence. Right?

16 A Yes, sir.

17 Q And they don't get to reduce it. All they can  
18 do is ask the judge to reduce it. Right?

19 A Yes, sir.

20 Q And the defense can't file a Rule 35(b) motion,  
21 can they?

22 A I'm not that advanced on the law, but I would  
23 believe not.

24 Q And you said that a 35(b) motion is based on  
25 your telling the truth. Right?



1 A Yes, sir.

2 Q You have to tell the truth. Right?

3 A Yes, sir.

4 Q Although that's certainly not what you were  
5 trying to get done in your own trial in 1999, was it?

6 A What? To get the truth to come out?

7 Q Yes.

8 A I just asked for them to sign affidavits to tell  
9 the truth.

10 Q You've already acknowledged that you got an  
11 upward adjustment for perjury.

12 A Because the judge came to his own conclusion,  
13 sir.

14 Q Well, was the judge's conclusion erroneous or  
15 had you in fact attempted to suborn perjury with Holly  
16 Brown?

17 MR. CLARKE: Objection.

18 THE COURT: All right. Sustained. We have  
19 already gone through this, Mr. Zucker.

20 BY MR. ZUCKER

21 Q And the Rule 35(b) motion has to be based on the  
22 truth, but it also has to be based upon your providing  
23 substantial assistance in investigating or prosecuting  
24 another person. Isn't that correct?

25 A Yes, sir.

1 Q So what does it mean to substantially assist in  
2 the prosecution of another person?

3 A Well, I can tell you what assistance mean. It  
4 means to give help. What is considered substantial is I  
5 guess on the perception of whoever it may be.

6 Q I see. Okay. Well, the purpose of a  
7 prosecution is to convict somebody of a crime they've  
8 committed. Correct?

9 A Yes, sir.

10 Q So to provide substantial assistance in a  
11 prosecution, it means basically helping to provide  
12 assistance in getting somebody convicted of another crime.  
13 Isn't that correct?

14 A That sounds about right.

15 Q Okay. So the only way for you to get out of  
16 serving the rest of your life in prison is to provide  
17 substantial assistance in convicting somebody else.  
18 Correct?

19 A Yes, sir.

20 Q The only way for you to get out is to put  
21 somebody else in. Right?

22 A Just come tell the truth. Whether they get  
23 convicted, that's not on me. That's for the judge and the  
24 jury. My job is just come tell the truth, sir.

25 Q Yes. But it's a truth that has to substantially

1 assist in the prosecution of another person. Correct?

2 MR. CLARKE: Objection, Your Honor.

3 THE COURT: This has already been asked and  
4 answered. Move on.

5 BY MR. ZUCKER:

6 Q So if you come and tell the truth and that truth  
7 does not accuse somebody else of another crime, you don't  
8 stand to get a 35(b), do you?

9 MR. CLARKE: Objection.

10 THE COURT: Sustained. Don't answer the  
11 question.

12 BY MR. ZUCKER:

13 Q Now you agree you didn't know Mr. Morales on the  
14 street. Right?

15 A No, sir.

16 Q You certainly weren't friends. Right?

17 A Not on the street. No, sir.

18 Q And you only met him in prison. Correct?

19 A Yes, sir.

20 THE COURT: Mr. Zucker, this has all been  
21 covered on direct. Let's get something new.

22 MR. ZUCKER: It's a predicate.

23 THE COURT: All right.

24 BY MR. ZUCKER:

25 Q In prison people are generally concerned about

1 talking in front of other people and providing information  
2 that can be used against them. Isn't that a fair  
3 statement?

4 A Sometimes.

5 Q Well, you certainly are. Right?

6 A Well, you can't compare me to anyone else. I'm  
7 me.

8 Q Okay. You certainly would not openly talk about  
9 crimes you've committed or can be prosecuted in front of  
10 other prisoners, would you?

11 A Well, I was young one time and I've done that  
12 and it worked against me in my own case.

13 Q And you've learned from that. Right?

14 A To a degree, sir. Yes.

15 Q And that's why you won't do it again. Right?

16 A You're right.

17 Q Okay. And generally -- well, you know what it  
18 means to jump somebody's case. Right?

19 A Yes, sir.

20 Q To jump someone's case is to get information  
21 about them and their cases or case and use it against them  
22 as you are using it against Mr. Morales here today.  
23 Right?

24 A I just used what he told me.

25 Q But that's what it means to jump someone's case.

1 To get information from them and use it against them.  
2 Right?

3 A If you say so.

4 Q Well, isn't that what it is? You have been  
5 locked up 16 years.

6 A Right.

7 Q That's what it is to jump a case.

8 MR. CLARKE: Objection.

9 THE COURT: All right. Sustained. Don't argue  
10 with the witness. Ask him questions.

11 BY MR. ZUCKER

12 Q And in jumping someone's case, you can use  
13 information they give them. Correct?

14 A Repeat the last part.

15 Q Yeah. To jump someone's case could be based on  
16 information the person gives you. Right?

17 A Yes.

18 Q Or could be based on some other source that you  
19 attribute to them. Correct?

20 A Maybe in another case. Not in this one.

21 Q That's not what you're doing. But you  
22 acknowledge that is something that could occur.

23 MR. CLARKE: Objection, Your Honor. He has  
24 answered that he is not jumping anybody's case.

25 THE COURT: All right. Sustained.

1 BY MR. ZUCKER

2 Q Before we get into that, sir, you also know what  
3 it means -- well, first off, it's now public knowledge  
4 that you've testified against Mr. Morales and were a  
5 witness against him. Correct?

6 A When you say public knowledge, do you mean to --  
7 like is it on the Internet or do people that's out in the  
8 world free like you guys or do you mean in the penal  
9 system?

10 Q How about all three?

11 A As far as the media, I don't know. I haven't  
12 heard anything. But as far as in the penal system, well,  
13 I guess guys would know because when I went back to  
14 Allenwood, they were ready to jump on me because Mr.  
15 Morales left word for them to assault me. So that's why I  
16 left.

17 Q So people in prison, it puts you in a difficult  
18 position once it's known that you're hot. Is that a fair  
19 statement?

20 A Yes. That's what happened at Allenwood.

21 Q And basically, when you've testified against  
22 somebody, you're labeled a snitch or a rat in the prison  
23 system, aren't you, sir?

24 A Yes, sir.

25 Q And that changes your status among inmates.

1       Isn't that correct, sir?

2           A     Yes, sir.

3           Q     And I mean basically living with a bone on you.  
4       Right?

5           A     Yes, sir.

6           Q     Could you explain to the jury what it means to  
7       live with a bone on you? I mean that's a prison slang,  
8       isn't it, sir?

9           A     Well, a bone I guess is if somebody puts a bone  
10      on you, it could be a lie or a rumor or just a statement  
11      that will be more than likely carried around with you.

12          Q     It's a bad word, a blemish on your reputation.  
13      Right?

14          A     Yes.

15          Q     And right now you have the blemish on your  
16      reputation that you've testified against another inmate.  
17      Right?

18          A     Yes. Right now, I'm currently in a secure area  
19      of the jail. They had to move me twice within 24 hours  
20      because Mr. Morales tried to have me assaulted once again.

21          Q     Well, did I ask you that question, sir?

22          A     I thought you meant, you know, being as though I  
23      have a bone and how it was affecting me in jail. So I  
24      thought you should know that.

25          Q     And having a bone on you affects how you live in

1 prison for the rest of your life. Right?

2 A Like I said, yes. I'm constantly being  
3 threatened with assaults because of Mr. Morales. Yes.

4 Q Well, did Mr. Morales ever threaten you?

5 A No. Not directly.

6 Q And so other people are now saying I'm going to  
7 get you because Morales told me to?

8 A Well, Captain Richardson Chance who's in charge  
9 of Intel --

10 Q Please answer the question I asked you. Is that  
11 something -- I mean you are attributing -- you're telling  
12 us other inmates are hostile to you. Right?

13 A I'm telling you the captain came and she through  
14 her Intel she said Mr. Morales --

15 Q You are not allowed to say what other people  
16 told you.

17 A Oh, I'm sorry. Okay.

18 Q All right. That's all I'm trying to establish.

19 A Okay.

20 Q Nobody has come to you and said Jose Morales has  
21 told me to attack you, have they?

22 THE COURT: Well, wait a minute. You just  
23 didn't want him to answer the question. If that's the  
24 question you want him to answer, answer the question. If  
25 want hearsay, you'll get hearsay.



1 BY MR. ZUCKER:

2 Q Did any inmate say to you this is from Jose  
3 Morales or anything like that?

4 A No, sir.

5 Q Now as a result of your testifying here today,  
6 it's going to change the way you have to live in prison,  
7 isn't it, sir, where you can stay, who you can be with,  
8 how you are going to be guarded from other inmates.  
9 Right?

10 A It already has. Even prior to me testifying,  
11 sir.

12 Q All right. And life, the last 16 years in  
13 prison certainly hasn't been comfortable, has it?

14 A No. I'm in prison.

15 Q You don't like it, do you?

16 A No.

17 Q And you know it's going to get more  
18 uncomfortable unless you get out, correct, because now  
19 you're living with a bone on you. Right?

20 A It's worth it.

21 Q It's worth it if you get out.

22 A Well, just to -- I've changed. And just to do  
23 the right thing is worth it.

24 Q Oh, you've changed and now you're here to do the  
25 right thing?

1 A Yes, sir.

2 Q And the right thing is not killing people, is  
3 it?

4 A Absolutely not.

5 Q The right thing is not asking for vengeance, is  
6 it, sir?

7 A Absolutely not.

8 Q Who's Akeem or who was Akeem?

9 A My little cousin.

10 Q Did you love him?

11 A Yes.

12 Q He was very close to you, wasn't he?

13 A Yes.

14 Q And he's deceased now. Right?

15 A Yes. He was murdered June the 4th.

16 Q And that bothered you, did it not?

17 A Yes.

18 Q And you've expressed how that's bothered you on  
19 the Internet, haven't you, sir, on your Facebook page?

20 A Yes.

21 Q You've told people -- well, on June 14th, on  
22 your Facebook page, you posted "little cuz, you were the  
23 best man, fuck all of you that were trying to slander my  
24 little cuz good name. He was no rat. When you find that  
25 out, the truth, you will feel stupid." That was part of

1 your post. Right?

2 A Yes.

3 Q "It's not a matter of if --"

4 MR. CLARKE: Objection, Your Honor. Can he ask  
5 him a question?

6 THE COURT: Let him answer your question, Mr.  
7 Zucker. Don't interrupt him.

8 MR. CLARKE: Unless he wants to be sworn in and  
9 testify, Your Honor. Otherwise, he can ask him the  
10 questions, please.

11 THE COURT: Ask him a question.

12 MR. ZUCKER: Okay.

13 BY MR. ZUCKER:

14 Q And the statement immediately after on that post  
15 was --

16 MR. CLARKE: Objection.

17 THE COURT: Ask him a question. Don't read --

18 BY MR. ZUCKER:

19 Q Did you not post the following? "It's not a  
20 matter of but" -- I'm sorry. "It's not a matter of if,  
21 but only when we find your sucker ass, please believe  
22 me."

23 MR. CLARKE: Objection.

24 BY MR. ZUCKER:

25 Q "I wish all types of pain and destruction on

1       you, your family and friends.  Fuck you.  Die slow."  
2       we'll stop right there.

3               THE COURT:  What relevance is this?

4               BY MR. ZUCKER:

5               Q     What --

6               THE COURT:  Mr. Zucker, I'm talking.  Okay.  
7       Don't talk when I'm talking.

8               MR. ZUCKER:  Very well.

9               THE COURT:  What relevance is of what he posts  
10      about somebody who murdered his cousin?  I would be  
11      unhappy if my cousin were murdered.  What relevance is it?

12              BY MR. ZUCKER:

13              Q     Sir, you just told us that you've turned over a  
14      new life, you no longer seek vengeance, you no longer  
15      believe in violence.  But on the Internet, you're  
16      expressing the intent, your family and friends, fuck you,  
17      die slow.  Right?

18              A     Yes.

19              Q     "Laugh now.  But cry later."  Right?

20              A     Yes.

21              MR. CLARKE:  Objection.

22              BY MR. ZUCKER:

23              Q     You're expressing --

24              THE COURT:  What -- will you please?  There's an  
25      objection.  All right.  Come to the bench.

1 MR. ZUCKER: I think I can --

2 THE COURT: Come to the bench.

3 (Bench conference:)

4 THE COURT: Is this the posting exhibit?

5 MR. ZUCKER: The June 14 posting, judge.

6 THE COURT: Why are we going into this?

7 MR. ZUCKER: Because he's claiming that he's  
8 turned over a leaf and he is no longer -- he just said  
9 he's no longer seeking vengeance.

10 THE COURT: He just said about his cousin being  
11 murdered and he hopes the people who did it have a slow  
12 death. So what?

13 MR. ZUCKER: It expresses an intent to seek  
14 revenge I believe. It's not a matter of if, but if only  
15 when we find you.

16 MR. CLARKE: That's argument, Your Honor. He's  
17 asked him the question. Now if we can just move on? I'm  
18 going to come back and ask on redirect if he ever  
19 threatened you and I think that should be the end of it.

20 MR. ZUCKER: I think we need to bring out the  
21 implication of that it's not a matter of if, but only when  
22 we find you.

23 MR. CLARKE: If that's not --

24 THE COURT: Which posting?

25 MR. ZUCKER: In the middle.

1 THE COURT: There are two postings for June 14.

2 MR. ZUCKER: The top one. The top one. It's  
3 not a matter of if, but only --

4 THE COURT: I can read it. I can read it.

5 MR. ZUCKER: Reading it into the record. And  
6 directly underneath that, I ask to examine him on the if.  
7 That clearly shows an intent to get him.

8 MR. CLARKE: I haven't read the full thing. If  
9 it says that, if it says if, then he can ask him the  
10 question. But please don't read it to him. Just ask him.  
11 And then approach him and say does this refresh your  
12 memory --

13 THE COURT: You have already read this to him  
14 once. I'm not going to have it read again. I'm not going  
15 to have this kind of evidence -- ask him did he intend to  
16 do violence to the person. You can ask him that.

17 MR. ZUCKER: Can I focus in on that one  
18 sentence, if?

19 THE COURT: You already read the sentence to  
20 him. Did you intend by that sentence to mean that you  
21 intended to do physical violence to the person? You can  
22 ask that. Okay.

23 (In open court:)

24 BY MR. ZUCKER:

25 Q Sir, you expressed in this posting an intent to

1 find and do violence to whoever it was in relation to  
2 whoever did harm to your cousin. Isn't that a fair  
3 statement?

4 A No, sir.

5 Q Well, what does the statement -- it's not a  
6 question --

7 MR. CLARKE: Objection.

8 MR. ZUCKER: I'd ask for a clarification what he  
9 means --

10 THE COURT: Well, you've already read the  
11 statement to him and he says he did not mean violence by  
12 it. Ask him another question.

13 BY MR. ZUCKER

14 Q Well, you expressed an intention to find the  
15 sucker ass, didn't you, sir?

16 A Yes, sir.

17 Q Is that your exact words?

18 A Yes, sir.

19 Q And so when you found the sucker ass, what was  
20 your intention?

21 A Oh, I thought you weren't finished. Well, by  
22 that time, like I said, sir, my cousin was murdered June  
23 the 4th, I had already talked to people from the D.E.A.  
24 and let them know what was going on with my cousin because  
25 he had just came home from federal prison and somebody

1       lied and said he was a snitch. So I already -- the  
2       agents, I made them aware of what was going on and who I  
3       thought was involved directly and that's what I meant  
4       by -- and they said they were on top of it. So that's  
5       what I meant by it's just a matter of time.

6           Q       So it's a matter -- so you included the D.E.A.  
7       agents in this statement when we find your sucker ass?

8           MR. CLARKE: Objection. Argumentative.

9           THE COURT: Sustained. Don't argue with the  
10       witness.

11       BY MR. ZUCKER

12           Q       Well, who did you mean when you said when we  
13       find, the rest of it?

14           A       Meaning the government, the police and the  
15       D.E.A. agents.

16           Q       Okay. You said we though, not them. Right?

17           A       I felt like I was a part of it by me expressing  
18       it and they expressed their willingness to help me.

19           Q       I see. And it certainly -- pain and destruction  
20       on you, your family --

21           MR. CLARKE: Objection.

22           THE COURT: All right. Sustained. We have  
23       already gone through -- you've already read it to him and  
24       you've already asked him about it. Move on to another  
25       subject.



1 BY MR. ZUCKER

2 Q I guess the question is and I hope I don't step  
3 afoul of the Court's ruling. But you've said you  
4 interpreted it as just D.E.A. getting the person who you  
5 believe killed your cousin. Right?

6 MR. CLARKE: Objection.

7 THE COURT: Sustained. Sustained. You have  
8 already inquired about this.

9 BY MR. ZUCKER:

10 Q Well, there was a reference to their family and  
11 friends as well, wasn't there, sir?

12 MR. CLARKE: Objection.

13 THE COURT: Sustained.

14 BY MR. ZUCKER

15 Q Now you said yesterday that Mr. Morales told you  
16 Needleman provided the name, Rob Long, as a cooperator,  
17 but played no role in either the drugs or the murder. Is  
18 that correct?

19 A He never mentioned the last name, sir. He  
20 didn't say Mr. Long to me. Mr. Morales.

21 Q Okay. I'm asking now about Mr. Needleman. You  
22 told us yesterday that when you spoke with Morales, he  
23 said Needleman provided the information about the  
24 co-defendant, Rob Long, who was cooperating. Right?

25 A Yes.

1 Q But you claimed that Morales never told you that  
2 Needleman played any role in either the murder or the  
3 drugs. Is that correct?

4 A No. He didn't say he murdered the guy. I mean  
5 I don't know what role you mean. Like he didn't say he  
6 was involved in the actual murder. He just notified him  
7 of who was testifying against him and that guy eventually  
8 was murdered.

9 Q I see. So he had nothing to do with the murder?  
10 That was his testimony?

11 MR. CLARKE: Objection.

12 BY MR. ZUCKER:

13 Q I mean not his testimony, his prior statement.

14 THE COURT: Wait a minute. What's the  
15 objection?

16 MR. CLARKE: He's already answered that he  
17 didn't have a role. He never said that Stanley Needleman  
18 had a role in the murder, a direct role in the murder and  
19 Stanley Needleman provided information to Mr. Morales  
20 about Mr. Rob or Ron's cooperation. That's the current  
21 state of the record.

22 THE COURT: Rephrase the question. That's not  
23 an appropriate question the way you phrased it.

24 MR. ZUCKER: Okay.

25 BY MR. ZUCKER:

1           Q     Mr. Clarke accurately summarized your testimony  
2 yesterday, isn't it, sir, that Mr. Needleman provided some  
3 information, but played no role. Had nothing to do with  
4 either the murder nor the drugs.

5           MR. CLARKE: Objection. He's saying --

6           MR. ZUCKER: Isn't that -- I thought I just said  
7 what Mr. Clarke had said.

8           THE COURT: I don't think that's what Mr. Clarke  
9 summarized it as.

10          BY MR. ZUCKER:

11          Q     Why don't you clarify for us, sir, what you  
12 meant yesterday when you said Mr. Needleman provided the  
13 information, but had nothing to do with the murder nor the  
14 drugs?

15          A     Okay. In reference to Mr. Ron or Rob, Mr.  
16 Morales just told me that Mr. Needleman let him know that  
17 Ron had agreed to testify against him in the heavy  
18 machinery case that was pending at the time against Mr.  
19 Morales.

20          Q     But nothing about the murder. Mr. Needleman  
21 played nothing about that. Right?

22          A     No, sir. He just gave me information of who  
23 was --

24          Q     But when you spoke with the D.E.A. back in July  
25 of 2012, you told them that Morales had told you that he

1 and his attorney had a guy named Rob Long killed. Isn't  
2 that correct, sir?

3 A No, sir.

4 Q And you told him that Needleman -- well, you  
5 made reference to Needleman and Mr. Morales actually  
6 arranging for two murders, didn't you, sir?

7 A I don't recall referencing them, Mr. Morales and  
8 Mr. Needleman, arranging for two murders.

9 Q And you also told the D.E.A. that Mr. Needleman  
10 got a cut of everything Mr. Morales did referring to the  
11 drugs. Isn't that correct, sir?

12 A Well, that's what Mr. Morales told me.

13 Q That Mr. Needleman got a cut of the drugs as  
14 well?

15 A He said he was involved in everything. He had  
16 got a cut. Yes, sir.

17 Q So Needleman was involved in the drugs and  
18 Needleman had put up the money for the drugs. Isn't that  
19 correct?

20 A I don't know that.

21 Q But they were partners in the drug business?

22 A That's what Mr. Morales said.

23 Q But well, you deny that telling the agents that  
24 Needleman was a participant in the murders as well?

25 A Excuse me?

1           Q     You deny today saying that Needleman was a  
2 participant in this murder and another murder along with  
3 Mr. Morales? That never happened? You never said that?

4           A     No, sir. Not that I recall.

5           Q     All right. Would it refresh your recollection  
6 on that point to look at the D.E.A. agent's report  
7 prepared as a result of your -- prepared in reference to  
8 your conversations?

9                     MR. CLARKE: Objection. He has no memory of  
10 that, Your Honor.

11                    THE COURT: He has no memory of it.

12                    BY MR. ZUCKER:

13           Q     You're saying you have no memory of it. Would  
14 it refresh your memory if you looked at the agent's  
15 report?

16           A     I mean I'll give it a try, sir.

17           Q     Okay. Defendant's 12 marked for identification.  
18 Take a look at this and let me just try to move it along a  
19 little faster. I'm asking you to look at -- for the  
20 benefit of counsel, it's MS-45 and 46. If you take a look  
21 at the first line of paragraph 5 in that and then -- well,  
22 paragraph 6 and I highlighted the portion in the middle.

23           A     What I think here what I see is not actually all  
24 my words. I think maybe that's just the way that they are  
25 writing it. It's just maybe the agent's way of writing

1       it. I don't recall Mr. Morales saying that Mr. Needleman  
2       had anything to do with any of the murders. He just --  
3       once I said again he just provided information as far as  
4       who was going to testify against him.

5           Q     So having looked at that document, it doesn't  
6       refresh your recollection. You still deny having made  
7       that statement on July 30, 2012. Is that a fair  
8       assessment?

9           A     Yes. It's the particular question that you're  
10      asking me about about Mr. Needleman being involved in two  
11      murders, I don't recall that part.

12          Q     What about being involved in the drugs?

13          A     That's what Mr. Morales said.

14          Q     Okay. Thank you. Now --

15                THE COURT: These exhibits you just showed him  
16      are for identification only?

17                MR. ZUCKER: At this point, yes, judge.

18                THE COURT: All right.

19                MR. ZUCKER: Could I have a quick moment to  
20      consult?

21                BY MR. ZUCKER:

22          Q     Now you told us that -- well, Mr. Morales  
23      claimed to you that the man, Rob Long, was killed, that  
24      first they tried to overdose him and then when that didn't  
25      work, they shot him. Right?

1 A Yes, sir.

2 Q And you claimed quite a bit of information that  
3 he provided to you. Isn't that correct?

4 A Yes, sir.

5 Q First, you said it was 13 days later. Correct?  
6 13 days after the proffer?

7 A Something like that, yes.

8 Q And it was shot once in the back of the head,  
9 once in the face. Correct?

10 A Yes.

11 Q That he said --

12 MR. ZUCKER: Court's indulgence.

13 (Pause.)

14 BY MR. ZUCKER:

15 Q Troy was seen with or Troy was with Rob Long  
16 that morning, right, when the murder occurred. Right?

17 A Was he with him that morning?

18 Q Yeah. The morning of the murder. They were  
19 together. Right?

20 A I would guess so if I remember right. Yes.

21 Q And they both had drug problems. Right?

22 A I don't know if Troy had a drug problem. I  
23 don't recall if Troy had a drug problem or not.

24 Q The information about the 13 days and the  
25 caliber and being shot in the front and back of the head,

1 that was all in the newspaper, wasn't it, sir?

2 A I never saw the newspaper article and I don't  
3 know anything about the caliber of the weapon, sir.

4 Q You never saw -- well, you certainly -- you had  
5 magazines that you sent to your family. Right?

6 A Yes.

7 Q You certainly have access to publications.  
8 Isn't that correct, sir?

9 A Whatever was in the jail.

10 Q Well, you had limited access to the Internet as  
11 well, didn't you, sir?

12 A No Internet access.

13 Q Well, you have Core Links. Right?

14 A Yes.

15 Q Okay. And you were able to post on Facebook.  
16 Right?

17 A But that's not Internet access. You can't  
18 directly post on Facebook. I have to go through a third  
19 party. Like I can't get directly on any Internet access  
20 in prison.

21 Q You have to go through a third party?

22 A Yeah. Like I can get my daughter, I can tell  
23 her what to write and she can put it on and she can come  
24 back and stuff like that. But no direct Internet access  
25 is provided to inmates in the federal B.O.P.



1 Q Well, certainly people from -- you hung with Mr.  
2 Morales and became friends with him because he was from  
3 Baltimore. Right?

4 A Yes, sir.

5 Q Even though you guys didn't know each other in  
6 Baltimore. Right?

7 A Yes, sir.

8 Q You were from other neighborhoods. Right?

9 A Yes, sir.

10 Q And you said you met him because he was hanging  
11 with some Baltimore guys in the yard. Right?

12 A Yes, sir.

13 Q And guys in prison hang frequently with their  
14 homeboys. Right?

15 A Yes, sir.

16 Q Okay. So you were hanging with other Baltimore  
17 guys. Right?

18 A Yes, sir.

19 Q And Baltimore guys were talking about what was  
20 going on in Baltimore. Right?

21 A We often do.

22 Q Okay. And they have access -- people like to  
23 get papers from home, don't they, sir?

24 A Nobody at the time I think was getting a  
25 Baltimore paper.

1           Q     So of all the inmates in this bureau, there were  
2     about 12 or 13 of you in the yard together when you met  
3     Mr. Morales. Right?

4           A     That sounds about correct.

5           Q     And those weren't all the guys from Baltimore.  
6     Right?

7           A     No, sir.

8           Q     But somehow you know -- how many more guys were  
9     from Baltimore?

10          A     There were a few.

11          Q     Are we saying in the neighborhood of 40, 50?

12          A     No. Nowhere near that amount.

13          Q     Thirty?

14          A     I wouldn't even say 30. Maybe in the high  
15     teens, early 20's.

16          Q     Okay. And somehow you know that five years ago  
17     when you were there, none of the inmates had Baltimore  
18     newspapers coming to them. That's what you're telling  
19     this jury --

20               MR. CLARKE: Objection.

21               THE COURT: Sustained. Please, ask him a  
22     question. All right.

23               BY MR. ZUCKER:

24          Q     Wasn't that your testimony a moment ago, sir?  
25     That nobody was getting Baltimore papers then.

1           A     Your first question you asked me do I remember  
2     five years ago that nobody there was getting -- I was just  
3     there approximately one year ago and none of the guys on  
4     the yard that I recall were getting the paper. They never  
5     gave it to me. But in the library every so often, every  
6     so often in the library, there would be a Baltimore paper.  
7     Maybe not a Baltimore -- maybe like a City Paper or  
8     something like that.

9           Q     Well, they got the Baltimore Sun delivered to  
10    the Allenwood library, didn't they, sir?

11          A     Like I said, I don't remember what paper it was.  
12    I thought it was the City Paper or something --

13          Q     So the City Paper came --

14          A     I think it was. I'm not really sure.

15          Q     I see. And you're telling us -- you told us  
16    yesterday that you did go to the library. Right?

17          A     I went a few times. Yes.

18          Q     Well, you're obviously an articulate,  
19    intelligent, well-read person.

20          A     Thank you, sir.

21          Q     That's a fair statement. Right?

22          A     I would think so.

23          Q     You won't quarrel with me on that one, huh?

24          A     Absolutely not.

25          Q     Okay. Okay. And guys in prison, frequently

1 intelligent people, I mean one of the best ways to pass  
2 the time is reading. Right?

3 A I would agree.

4 Q Okay. And in addition to reading, I think you  
5 also do some writing, don't you, sir?

6 A Yes, sir.

7 Q I think you've written screen plays or drafts of  
8 novels, things like that?

9 A Movies, reality T.V. shows, game shows.

10 Q You've written all that. Right?

11 A Yes, sir.

12 Q Because you have a good imagination?

13 A Good one. I mean if that's what it takes to  
14 write movies and reality T.V. shows, I'd have to agree.

15 Q You're creative, intelligent?

16 A I would have to agree.

17 Q And you are good at making things up. Right?

18 A If that's my area of expertise and that's what  
19 it takes, then yes, sir.

20 Q Okay. And you went to the library. You're from  
21 Baltimore and people talk about Baltimore stuff. Right?

22 A Yes, sir.

23 Q And you just told us the Baltimore City Paper  
24 was delivered there. You think it was the City Paper.  
25 Right?

1           A     Like I said, I know there was a paper that came.  
2     I'm not sure what title it was.

3           Q     I see. And you can tell us that five years ago,  
4     you didn't read the Baltimore City Paper even though you  
5     were from Baltimore and were in the library. Right?

6           A     Yes. I could tell you five years ago at  
7     Allenwood, I wasn't there five years ago. I was only  
8     there within the last year or so.

9           Q     Well --

10          A     2012. That wasn't five years ago.

11          Q     I take it back. It wasn't 2012. Whenever you  
12     were in Allenwood and went to the library, did you ever  
13     read the Baltimore City Paper?

14          A     Whichever paper it was, yes. Once or twice, I  
15     have. Yes.

16          Q     And you are aware, sir, that many of the facts  
17     you've recounted and attributed to Mr. Morales were  
18     actually in the Baltimore City Paper?

19               MR. CLARKE: Objection.

20               THE COURT: Sustained.

21     BY MR. ZUCKER

22          Q     Are you familiar with articles about Mr. Morales  
23     in the Baltimore City Paper?

24          A     I never read any from Allenwood. So no.

25          Q     Okay. You read them somewhere else?

1 A Long time after this case.

2 Q Long time after you testified, huh?

3 A No. Not after testifying. I am testifying now.  
4 I said after this case. After I got involved with the  
5 D.E.A. and my family and friends were kind of scared of  
6 Mr. Morales and they told me some things. But it was  
7 after that I talked to Mr. Marty and came down here to the  
8 grand jury. It was after that.

9 Q So you came down in 2012. It was only after  
10 that that you supposedly learned -- much of what you've  
11 testified to was actually in the Baltimore City Paper.  
12 Isn't that correct? You found out afterwards?

13 A Some of it.

14 Q So this isn't a question of you just finding out  
15 information and attributing it to Mr. Morales. It's not a  
16 question of jumping this case based on --

17 MR. CLARKE: Objection.

18 THE COURT: Sustained. Don't argue with him.  
19 Ask him a question.

20 BY MR. ZUCKER:

21 Q That's not what's going on here, is it, sir?

22 MR. CLARKE: Objection.

23 THE COURT: Sustained. Don't answer the  
24 question.

25

1 BY MR. ZUCKER

2 Q Now you made reference to some letters you sent  
3 to some of the agents after you had been debriefed. Isn't  
4 that correct, sir?

5 A Yes, sir.

6 Q Were you truthful in those letters?

7 A I tried to be as much as possible, sir. Yes,  
8 sir.

9 MR. ZUCKER: Court's indulgence.

10 (Pause.)

11 BY MR. ZUCKER:

12 Q And of course, you spoke with Agent Lam or  
13 O'Keefe I think on July 30, 2012. Isn't that correct,  
14 sir?

15 A That sounds about right.

16 Q And then you wrote him some letters clarifying  
17 afterwards additional information you obtained. Isn't  
18 that correct, sir?

19 A Yes, sir.

20 Q MS-126. Showing you what's been marked as  
21 Defense Exhibit 13. This is in fact one of those letters  
22 you wrote to Mr. Lam on August 26, 2012, isn't it, sir, a  
23 fair and accurate copy of that letter?

24 A Yes, sir.

25 Q And in that letter, you clarify what Mr. Morales

1 had said to you or at least you claim to. Isn't that  
2 correct, sir?

3 A Do you want me to read the whole thing or are  
4 you asking about a specific part?

5 Q Well, I'm asking you right now, do you agree  
6 that when you wrote to Mr. Lam, you were truthful. Right?

7 A Yes.

8 Q And you wrote a letter to Mr. Lam clarifying you  
9 claimed in that letter what Mr. Morales had actually told  
10 you. Isn't that correct?

11 A Yes, sir.

12 Q And in that letter, you claim that you were  
13 confused. Mr. Morales never said the person was actually  
14 shot, did he?

15 A I'm trying to get to --

16 Q Long --

17 MR. CLARKE: I'm sorry. Is there a question,  
18 Your Honor, there?

19 THE COURT: Ask him a question.

20 MR. ZUCKER: I'll withdraw that and ask another  
21 one.

22 BY MR. ZUCKER

23 Q All right. You wrote to Mr. Lam and you said  
24 the following statement. You can follow along with me.

25 MR. ZUCKER: Do you have it, counsel?



1 MR. CLARKE: I do.

2 BY MR. ZUCKER:

3 Q You greeted him by saying, how is everything  
4 going and you give today's date and then you say Jose  
5 Morales told me --

6 MR. CLARKE: Objection, Your Honor. Is there a  
7 question?

8 BY MR. ZUCKER:

9 Q Did you make the following statement?

10 THE COURT: Well, ask him a question. Okay.

11 BY MR. ZUCKER

12 Q Jose Morales told me --

13 MR. CLARKE: May we approach, Your Honor?

14 THE COURT: Come to the bench.

15 (Bench conference:)

16 THE COURT: Let me see the letter.

17 MR. ZUCKER: Sure.

18 MR. CLARKE: I have no problem asking him if he  
19 recalls what he said to Trooper Lam --

20 MR. ZUCKER: Excuse me. You got the wrong  
21 letter.

22 MR. CLARKE: Can I see that one? No, it's not a  
23 problem. What I don't want is a repeat of what's been  
24 happening pretty much throughout the whole trial where  
25 defense counsel sits there and reads and just doesn't care

1 what the answer is and just says isn't it true that you  
2 said this. No matter what he says, he goes onto the next  
3 sentence, isn't it true you said this. All I'm asking is  
4 that he ask a question and then ask him if he recalls  
5 saying something about that subject. Do you recall and  
6 then ask him. Do you recall saying something about  
7 popping somebody's head?

8 And let me tell you where we're going to go with  
9 this. That, Your Honor, and Mr. Zucker, I don't know if  
10 he's aware of it or not and I can understand why he has a  
11 misunderstanding of that letter. But the head popping and  
12 the hot shot is not as to Mr. Long. We read it the first  
13 time and thought the same thing. But when you re-read it  
14 and realize that Junior died, Your Honor, Mr. Morales told  
15 this witness that he had Junior's head popped. And so  
16 when he found out that when -- when Morales was describing  
17 having Junior killed by hot shot by popping his head, he  
18 said that's the same language that he used when he talked  
19 about shooting Junior's brother, Clyde. So this is very  
20 dangerous territory because this is about Morales  
21 admitting to a second murder to having Junior killed.

22 THE COURT: We heard some of that yesterday. It  
23 came out yesterday.

24 MR. ZUCKER: It's not true. So I'm glad to go  
25 there.

1 MS. WILKINSON: Not that he shot Junior. That  
2 he died of a hot shot.

3 THE COURT: Don't just read the letter to him.  
4 Ask him about what he said. This is in evidence now.

5 MR. ZUCKER: It hasn't been moved in yet.

6 MR. CLARKE: If counsel keeps essentially asking  
7 questions and --

8 THE COURT: It speaks for itself. You don't  
9 have to read it to him.

10 MR. ZUCKER: Well, I can ask him did you make  
11 the following statement.

12 THE COURT: Is this being offered into evidence  
13 or not?

14 MR. ZUCKER: It will be. It probably has to  
15 have some redactions, but yes.

16 MR. CLARKE: What redactions?

17 THE COURT: What redactions do you want to make?

18 MR. ZUCKER: Well, as an accommodation to them,  
19 we'll see as we get there. Certain things I don't intend  
20 to go over. If they want it in its entirety for pretext,  
21 that's fine.

22 THE COURT: I don't know any basis to redact  
23 this. If this is the document that in fact is talking  
24 about a second murder, I'm not sure you want to offer it.  
25 If you don't want to offer it, then I don't think you

1 should be walking around with excerpts --

2 MR. ZUCKER: I definitely intend to offer it.

3 MR. CLARKE: As long as the record is clear --

4 THE COURT: As long as you know what comes with  
5 it. It's going to be painful. It's up to you.

6 MR. ZUCKER: I know. It's coming in. Thank  
7 you.

8 THE COURT: And don't just read it to him. You  
9 can ask him questions about it --

10 MR. ZUCKER: I'll ask him didn't you make the  
11 following statement.

12 THE COURT: It's in evidence. It's already in  
13 evidence. The jury can look at it. Okay.

14 MR. CLARKE: The question is for the record are  
15 you moving this into evidence, sir? If you are, you're  
16 doing it at your risk because on redirect, I'm going to go  
17 through line by line and establish that Mr. Morales  
18 admitted to killing Junior as well on the same night.

19 THE COURT: All right. Okay.

20 (In open court:)

21 BY MR. ZUCKER

22 Q Didn't you tell Agent Lam in this letter that  
23 Morales told you he got the "killer" to give the "snitch"  
24 a "hot shot". Isn't that correct, sir?

25 A Yes, sir.

1           Q     And then you went on to explain that every time  
2     he mentioned getting the guy's head popped, you  
3     erroneously assumed, he meant by way of a gun.  Isn't that  
4     correct, sir?

5           A     Yes.  It's depending on which murder you're  
6     talking about.

7           Q     Now this is in reference to another murder.  
8     Isn't that true?

9           A     Well, I'm trying -- I need to see the --

10          Q     Go ahead.

11          A     Thank you.

12          Q     I'm just going to stand over your here.  Go  
13     ahead.

14                     (Pause.)

15                     BY MR. ZUCKER:

16          Q     Have you had a chance to review it, sir?

17          A     To a degree.

18          Q     Do you need more time?  Take your time, sir.  
19     Let us know when you're ready.

20          A     Ask me the question.

21          Q     You do agree that in that letter to Agent Lam  
22     you said every time he would mention getting the guy's  
23     head popped, I erroneously assumed that he meant by way of  
24     a gun.  That's why I always referred to the killer as the  
25     shooter.  Right?

1 A That's in there. Yes.

2 Q Okay. And who was that in reference to?

3 A If I'm not mistaken, Troy Lucas.

4 Q Okay. Troy Lucas as Clyde -- I'm sorry. You  
5 said Troy Lucas, the shooter?

6 A Yes.

7 Q In reference to which murder? Rob Long? Right?

8 A If I'm not mistaken, yes.

9 Q Well, you believe this is in reference to Rob  
10 Long. So you were --

11 A But I know it mentions the other murder Mr.  
12 Morales was involved in as well. So I was trying to --

13 Q But this sentence talks -- the way you read it  
14 in context, you believe it is in reference to Rob Long and  
15 then you later go on to talk about another murder that Mr.  
16 Morales supposedly committed. Correct?

17 A Yes, sir.

18 Q And the other murder that you attributed to him,  
19 that you said he claimed to have done was Troy's brother.  
20 Right?

21 A Yes.

22 Q But this portion about I erroneously assumed it  
23 was a shooting, not a hot shot was in reference to Rob  
24 Long. Right? You've already told us that.

25 A I think so. Yes.

1 Q So now your testimony yesterday that he had Rob  
2 Long shot was in error as you told Agent Lam. Right?

3 A I don't think it was totally in error as the  
4 evidence probably have shown. But I just think that  
5 during that letter, I just may have just mixed some things  
6 up.

7 Q I see. But you do agree when you wrote to Agent  
8 Lam, you were telling him you were confused about whether  
9 or not Troy shot Rob Long. In fact, Mr. Morales told you  
10 that Rob Long was killed with a hot shot. Right?

11 A He tried to kill him with a hot shot.

12 Q But tried or you said I erroneously assumed he  
13 meant by way of a gun?

14 A Um-hum.

15 Q Right? That's clearly stating that you're  
16 claiming that it was by a gun was in error, isn't it, sir?

17 A Yes. When he said his head popped, it just  
18 automatically think shots.

19 Q So Morales told you Long was killed with a hot  
20 shot, not a gun. Right?

21 A I said in that moment I may have wrote that.  
22 But he also told me that he was shot.

23 Q Well, you also in the grand jury --

24 MR. ZUCKER: Moment to consult.

25 (Pause.)

1 BY MR. ZUCKER:

2 Q So at least when you wrote to -- it's in  
3 evidence. Why don't we just put it on the screen so the  
4 jury can see it at the same time? Can you see that on the  
5 screen where you are, Mr. Stokes?

6 A Yes, sir.

7 Q All right. "Jose told me that he got the killer  
8 to give the snitch a hot shot is the first line." Right?

9 A Yes, sir.

10 Q "Every time he would mention getting the guy's  
11 head popped --"

12 MR. ZUCKER: Maybe you can phase out a little.  
13 Go back a little, Mr. Proctor. Thank you.

14 BY MR. ZUCKER:

15 Q And it looks like it's cut off there. It says  
16 "I and then it's underlined erroneously assumed that he  
17 meant by way of gun. That's why I always referred to the  
18 killer as the shooter. Today, he clearly stated it was  
19 done by a hot shot." Right? And then he goes on to talk  
20 about Mr. Needleman. Right? So it's pretty clear here as  
21 you told us your testimony or your statement to Agent Lam  
22 was it was by a hot shot, not by way of a gun. Right?

23 A Now, sir, if I can call your attention to the  
24 line under that where it says -- after it says hot shot,  
25 the shooter and hot shot?



1 Q Yes, sir.

2 A It says I'm talking about what Stanley Needleman  
3 knew and what might and might not say to you guys.  
4 Meaning to Mr. Lam and --

5 Q Right.

6 A Now that's not talking about Mr. Ron. That's  
7 talking about the guy that Mr. Morales -- the other guy.

8 Q Well, the very next line is Morales was like I  
9 swear that I hope this guy doesn't find out that I killed  
10 his brother. Right?

11 A Yes.

12 Q So that's talking about the shooter, Troy Lucas.  
13 In the first portion, it's in reference to he's hoping  
14 that Long doesn't find out -- I'm sorry -- not Long.  
15 Lucas. I'm getting the names confused. That Troy Lucas  
16 doesn't find out he supposedly also killed Clyde Lucas.  
17 Right? But it's in reference, the first paragraph is in  
18 reference to the murder of Rob Long. Right?

19 A It seems that way. It seems that way and it's  
20 kind of confusing me right now. But the other murder that  
21 Mr. Morales -- that we're talking about here besides his  
22 brother is the other guy that was on the stand.

23 Q So now we have a third murder he's confessed to?  
24 Right?

25 A Should I continue?

1 MR. CLARKE: May we approach, Your Honor?

2 THE COURT: Come to the bench.

3 (Bench conference:)

4 MR. CLARKE: Not that it could get any more  
5 confusing, Your Honor, but he's been told not to talk  
6 about the Demetrius Smith trial. He has knowledge about  
7 Mark Bartlett who testified at that trial, who also is  
8 dead of a drug overdose. And I think he's been told as  
9 well that -- in fact I know he has by Mr. Morales, that  
10 Mr. Morales was involved in having Mr. Bartlett killed as  
11 well.

12 MS. WILKINSON: There are three witnesses in the  
13 case who died of drug overdoses, Your Honor, in that other  
14 case. Mark Bartlett, who was the main eyewitness in the  
15 first trial, Clyde, who was the junkie brother of Troy  
16 Lucas and Warren Lumpkin, who also died of a drug  
17 overdose.

18 THE COURT: Do you want to go there?

19 MR. ZUCKER: Yes. And I'm aware of it. And I  
20 don't know how you want to handle Mark Bartlett, that's  
21 fine. But Clyde didn't die of a drug overdose. Clyde was  
22 in the hospital for a week. His niece already testified.  
23 He was in the hospital --

24 MR. CLARKE: What I don't want to see happen is  
25 exactly what Mr. Zucker is trying to do, which is to try

1 and prove a trial outside of a trial. What's not on trial  
2 here is how Mr. Clyde Lucas died. The question is what  
3 was told about Clyde Lucas' death. And it doesn't matter  
4 whether he died a week later or not a week later. Also I  
5 think we can handle the matter of Mark Bartlett without  
6 talking about Demetrius Smith. Again, I don't want Mr.  
7 Zucker to use the back door what he can't get in the front  
8 door and bring up the fact that the guy --

9 THE COURT: Stay away from Demetrius Smith.

10 MR. ZUCKER: I'm fine with that.

11 MR. CLARKE: That means staying away from Mark  
12 Bartlett.

13 MR. ZUCKER: Well, except he's brought it in. I  
14 haven't asked anything about Bartlett.

15 MR. CLARKE: He just got finished saying, he's  
16 raising his hand and flagging like we asked him to do,  
17 Your Honor, that he's going to say the guy that was on the  
18 stand in the state case got whacked.

19 MS. WILKINSON: That's what Jose told him.

20 MR. ZUCKER: But he wasn't whacked.

21 MS. WILKINSON: He died of a drug overdose.

22 THE COURT: What this gentleman was told by Mr.  
23 Morales.

24 MR. CLARKE: In other words, Mr. Zucker I think  
25 is admitting that he's not going to prove or disprove that

1 Mark Bartlett or Junior died or didn't die of an overdose.  
2 So the fact that we're heading in that direction is not  
3 relevant. I think you can bring out whether or not he  
4 admitted to other murders and whom. But that's it.  
5 There's no need to go into the details of who Mr. Bartlett  
6 is and whether he testified at a former trial.

7 MR. ZUCKER: On the contrary, there's great  
8 reasons to go into this man making false accusations  
9 against Jose Morales.

10 THE COURT: And you've been doing that all  
11 morning long.

12 MR. ZUCKER: But these are other false  
13 accusations. He's claiming that --

14 THE COURT: You have already gone into trying to  
15 disprove what he testified to what Morales told him. And  
16 we are getting into the merits of the other case. The  
17 autopsy report --

18 MR. ZUCKER: I think they've already looked into  
19 that. We certainly have. He died -- what's his name?  
20 Junior died --

21 MR. CLARKE: He's not on trial for killing  
22 Junior. He's not on trial for killing Barlett.

23 MS. WILKINSON: Well, let me just say I think,  
24 Your Honor, the relevant point of it as Mr. Clarke has  
25 suggested, it is very possible that Jose was bragging

1 about these murders so people would have -- give him more  
2 gravitas in the prison. That he was saying he had these  
3 other three witnesses killed. It's possible he was  
4 involved in these three murders. I frankly have not  
5 investigated these other three murders yet. There were  
6 three deaths that are very suspicious and good timing for  
7 Mr. Morales. Having said that, the important part is what  
8 this witness was told by Mr. Morales. That's it. Simply  
9 that he had another person killed. Whether it's  
10 exaggeration or the truth or not is beside the point.

11 MR. CLARKE: And the Court should be aware the  
12 government has no evidence that Mr. Morales killed  
13 Mr. Bartlett. I think under 403, Your Honor, because of  
14 the undue and unfair prejudice that could possibly happen  
15 to the government, how confusing it is, getting into the  
16 Demetrius Smith case and the lack of probative value in  
17 the long run as to the defendant's case as to the minor  
18 issue of Mark Bartlett, Your Honor, and whether it's  
19 braggadocio or something else, we ask that he not go into  
20 Mark Bartlett or any other witness that testified.

21 MR. ZUCKER: Judge, I agree. I could care less  
22 that it's Mark Bartlett. What I care about is that this  
23 man, the witness on the stand that the government has  
24 called, is claiming that Mr. Morales committed the  
25 murders. That never occurred.

1 THE COURT: He didn't say Mr. Morales committed  
2 the murders.

3 MR. ZUCKER: That's exactly what he's saying.

4 THE COURT: But we're not going to go into the  
5 question of whether or not Morales was correct when he  
6 told him these things.

7 MR. ZUCKER: Judge, that's the precise point.  
8 He's claiming that Morales told him about murders that  
9 weren't murders. He's making this up.

10 THE COURT: That's not what he said. He's told  
11 you that Morales has testified about murders.

12 MR. ZUCKER: Well, not testified. But said.  
13 But they weren't even murders is what I'm trying to get  
14 at. Rob Long was not -- not Rob Long. Clyde Lucas was  
15 not murdered. That witness was not murdered.

16 THE COURT: We don't know that.

17 MR. ZUCKER: We do know that. He testified he  
18 was in the hospital and died of organ failure. That's why  
19 I elicited it.

20 THE COURT: Organ failure can occur because of  
21 drug use.

22 MR. ZUCKER: Yes. But not a hot shot.

23 THE COURT: Overdose.

24 MR. ZUCKER: Judge, he did not die of an  
25 overdose. He was in the hospital for a week.

1 THE COURT: He's not on trial for that.

2 MR. ZUCKER: I believe I should be fairly  
3 entitled to elicit from this witness that he is making  
4 things up and the proof that he's making things up --

5 THE COURT: You have been challenging his  
6 veracity all morning long and you've gotten him to talk  
7 about his writing screen plays and everything else. The  
8 jury hears your message.

9 MR. ZUCKER: Judge, I agree. But there's so  
10 much more here and particularly the statement to Lam which  
11 he's already acknowledged he believes referring to Long.  
12 That he claims a different method of murder.

13 MR. CLARKE: And counsel has covered that. He's  
14 covered it. And so it's already been clear for the record  
15 that we're talking about two murders and that's what this  
16 letter stands for, Junior and Long and we're not going to  
17 get into a third one.

18 THE COURT: I don't think going into a third  
19 incident --

20 MR. ZUCKER: All right.

21 THE COURT: Keep this other case out of this  
22 case, not to confuse this jury.

23 MR. ZUCKER: Okay. And I don't intend to go  
24 there. I can't control the witness. But I believe  
25 there's more to do with this letter and I will -- I have

1 no interest in going into Demetrius Smith or his trial.

2 THE COURT: Stay away from Demetrius Smith and  
3 stay away from the witness who was shot.

4 MR. ZUCKER: The witness?

5 THE COURT: Stay away from the witness who was  
6 in the Smith case. Don't go there.

7 MR. ZUCKER: It's news to me. The only one  
8 mentioned in here is the brother.

9 MS. WILKINSON: The bottom line, Your Honor, is  
10 that this witness is confused by Mr. Morales' statements  
11 because he's talking about several people involved in  
12 several different murders. That's the bottom line of all  
13 this.

14 MR. CLARKE: And counsel wanted this whole  
15 letter in and it's dangerous to do it and I think we're in  
16 dangerous territory, Your Honor. And the letter is in.  
17 But to ask him now to interpret everything that might lead  
18 to a Demetrius Smith comment, you know, or a Mark Bartlett  
19 comment should not be permitted.

20 MR. ZUCKER: It's the Rob Long -- not Rob Long.  
21 I believe we have to go into the Junior issue because  
22 that's referenced in here.

23 THE COURT: You can go into the Junior issue. I  
24 don't want you --

25 MR. ZUCKER: The word, Demetrius Smith and



1 Bartlett won't come out of my mouth.

2 THE COURT: The questions of how Clyde Lucas or  
3 Junior Lucas died is not something he has any knowledge  
4 about other than what he was told by Morales and we're not  
5 going to go into isn't it a fact he died in a hospital of  
6 organ failure. We're not going to go into that.

7 MR. ZUCKER: Well, except I believe that was  
8 communicated to the government, investigated and they  
9 realized it was complete nonsense, too.

10 MS. WILKINSON: That's not true.

11 MR. CLARKE: This witness to know whether it's  
12 true or not true, Your Honor, there's no probative value  
13 of having this witness understand what's being said to him  
14 --

15 MR. ZUCKER: I'm allowed to -- I want to not  
16 come up here and I don't want to incur your wrath. So the  
17 ruling is I may keep inquiring about the Long murder  
18 obviously. That's the one at issue.

19 THE COURT: You can go after Long. You can go  
20 after --

21 MR. ZUCKER: Junior.

22 THE COURT: -- Junior. But do not go into --

23 MR. ZUCKER: Fair enough. I understand. Thank  
24 you.

25 (In open court:)

1 BY MR. ZUCKER

2 Q Well, simply, you testified about what Mr.  
3 Morales told you in front of the grand jury after you  
4 wrote this letter to Agent Lam. Isn't that fair?

5 A Repeat that, please.

6 Q Sure. You testified in front of the grand jury  
7 on September 11, 2012 after you wrote this letter to  
8 Mr. Lam. Right?

9 A Yes, sir.

10 Q And you told the grand jury essentially the same  
11 thing you told Agent Lam in this letter. That Troy told  
12 Morales he killed Long with a hot shot. Isn't that  
13 correct?

14 A No. That he tried to kill Rob Long with a hot  
15 shot. It didn't work. So he shot him.

16 Q Well, nowhere in your grand jury testimony of  
17 September 11, 2012 do you claim he shot him, do you?

18 A I don't remember my grand jury testimony. I  
19 will have to see it, sir.

20 Q Okay.

21 MR. ZUCKER: Page MS-28, grand jury, page 28 for  
22 the benefit of counsel.

23 BY MR. ZUCKER:

24 Q Have you looked at your grand jury testimony as  
25 part of your preparation for testifying here today? Has

1 it been shown to you?

2 A Partially.

3 Q Partially. When did that occur?

4 A Monday.

5 Q Monday of this week?

6 A Yes, sir.

7 Q Two days ago? Wednesday, Thursday. Three days  
8 ago?

9 A Yes, sir.

10 Q And of course, you reviewed the portion that  
11 dealt with the killing of Rob Long because that's what you  
12 are going to be testifying about here today. Right?

13 A We talked and I reviewed it partially. I  
14 can't -- right now, I can't really remember everything  
15 that I read, but I will surely look at it if you want me  
16 to.

17 MR. ZUCKER: For identification Number 14.

18 BY MR. ZUCKER:

19 Q Showing you Defendant's 14. Do you recognize  
20 this is a copy of the grand jury, your grand jury  
21 testimony given on September 11, 2012, the one you  
22 reviewed on Monday, don't you, sir?

23 A Yes, sir.

24 Q Okay. And directing your attention for the  
25 benefit of counsel, MS-28, page 28 and grand jury, page

28. Beginning on page 27, last line. "All right. Did he, referring to Mr. Morales, say whether or not he learned how Troy got killed? Answer: well" -- I'm sorry. I read that wrong. How Troy killed the guy. Thank you. My bad. I appreciate that. "Answer: well, he said that -- I know he said that after Troy -- I want to make sure I got it right. I know that he said Troy came back and told him, but then I know he also said -- he also told Troy how to kill the guy. Question: All right. So what did Jose say he told Troy about how to kill the guy? Answer: A hot shot meaning a form of drug whether it was heroin or cocaine mixed with some type of deadly content because this guy got high I guess. Question: And did Jose tell you whether or not that was -- whether or not that worked or not. Answer: well, the guy is deceased. So if that worked or he did it another way, right now I can't recall." Right?

A Yes.

Q So that day, you said it was a hot shot as far as you knew essentially. Right? And nowhere when you testified in front of the grand jury did you claim that Troy claimed to have shot the man or I'm sorry. Let me rephrase that. That Jose said Troy said he shot the man. Isn't that correct?

A You mean in the grand jury?

1 Q Yes.

2 A Yes.

3 Q So which is the truth? What you told the grand  
4 jury, what you told Agent Lam or what you told this jury,  
5 sir? Which of those three versions of events is the truth  
6 if you know?

7 A Well, when I spoke to Mr. Lam, I told him the  
8 truth. When he asked me that question at the time I just  
9 simply just -- it was a long time ago. What I'm telling  
10 the ladies and gentlemen of this jury today is the truth.

11 Q Well, what you told the ladies and gentlemen of  
12 this jury today or yesterday is that Jose told you Troy  
13 said he shot the guy.

14 A Um-hum.

15 Q He shot the guy in the back of head. Then he  
16 turned around and he shot him in the front. That's what  
17 you told this jury. Right?

18 A I said when he shot --

19 Q But what you told Agent Lam in the letter was  
20 Troy said -- Jose said Troy said he killed him with a hot  
21 shot. Right?

22 A You mean this letter right here?

23 Q Yes. That's what you said.

24 A Excuse me --

25 THE COURT: Mr. Zucker, let him answer your

1 question. Do not interrupt him again.

2 THE WITNESS: After reviewing this letter, like  
3 I said, I know it's rules and regulations to this  
4 testimony. I don't know what I can get into, but after  
5 reviewing this letter, this letter is not at all about  
6 Mr. Ron.

7 BY MR. ZUCKER:

8 Q Sir, isn't that what you just told this jury a  
9 few minutes ago?

10 A Like I said, I had to sit here and review it.  
11 But I know that I can't really clarify what I need to say.  
12 But this letter is not about -- unless you really want me  
13 to go into it. If I could go into it, but this letter is  
14 not about Mr. Ron Long.

15 Q Wasn't that your testimony a minute ago?  
16 This --

17 A I told you, I told you -- the only part of this  
18 letter that is -- after sitting here clarifying it that is  
19 in error is where it says snitch.

20 Q So now this is about something else. You were  
21 wrong the first time you testified, huh?

22 THE COURT: Don't argue with the witness. Ask  
23 him questions.

24 BY MR. ZUCKER:

25 Q You were confused about who the snitch was?

1           A     No. I know exactly what this letter is about if  
2     you want to get into the whole letter.

3           Q     Well, you later claimed as you said yesterday  
4     that Mr. Morales told you he had Lucas' brother killed.  
5     Correct?

6           A     Mr. Morales told me he killed Lucas' brother  
7     himself.

8           Q     Okay. Killed him himself with a hot shot.  
9     Poison mixed in with drugs. Correct?

10          A     Yes.

11          Q     And that he did it himself. Right?

12          A     Yes.

13          Q     Okay. But of course, you later learned that  
14     couldn't have happened. Right, sir?

15          A     I don't know if he could or couldn't have. I  
16     don't know. But that's what he said.

17          Q     I'm sorry. I didn't mean to interrupt you.

18          A     He just said that I gave his brother a hot shot.  
19     So when somebody said I gave, I take that as first person.  
20     That's what I assume. He said I gave.

21          Q     Well, and you said as you testified I think it  
22     was in the grand jury and the letter, he said I personally  
23     gave it to him. Right?

24          A     He said I gave him a hot shot.

25          Q     And that would be Troy Lucas' brother, Clyde.

1 Correct?

2 A I never knew his name. He never mentioned his  
3 name.

4 Q Did you know that Troy Lucas' brother died while  
5 Mr. Morales was incarcerated?

6 A No, I did not.

7 Q So you would agree that if Mr. Morales was  
8 incarcerated and Troy Lucas' brother was not in the  
9 institution, he could not have given him a hot shot  
10 personally. Right?

11 A That is correct.

12 Q Did you know Troy Lucas' brother died in a  
13 hospital --

14 MR. CLARKE: Objection, Your Honor.

15 THE COURT: Sustained.

16 BY MR. ZUCKER:

17 Q You don't know anything about --

18 THE COURT: He doesn't know anything about how  
19 he died.

20 THE WITNESS: Only what Mr. Morales told me.

21 BY MR. ZUCKER:

22 Q So Mr. Morales confessed another murder to you  
23 and that was the murder of Troy's brother. Right?

24 A Yes, sir.

25 Q And you do agree, don't you, sir, that nowhere



1 in the grand jury is there a claim that Mr. -- and if you  
2 need to look at your testimony to be sure because it's  
3 long, nowhere when you testified in front of the grand  
4 jury did you ever claim that Mr. Morales told you Troy  
5 said he shot Rob Long?

6 A No. That's not in the grand jury.

7 Q Had you forgotten that when you spoke in front  
8 of the grand jury?

9 A I maybe was nervous and maybe forgotten.

10 Q Well, you knew that you were there to testify  
11 about the murder. Right?

12 A Yes, sir. It didn't make it any easier. You  
13 know, that was my first time ever being in a situation in  
14 front of a group of people testifying.

15 Q Sir, it was an important event in your life,  
16 wasn't it, sir?

17 A Yes, it was.

18 Q It was the only way you had to get out of  
19 spending the rest of your life in prison was testifying  
20 against Mr. Morales.

21 MR. CLARKE: Objection.

22 THE COURT: Sustained. We have already gone  
23 through this, sir.

24 BY MR. ZUCKER:

25 Q When you went in there, were you careful to tell

1 the truth, the whole truth as best you could remember it?

2 A I did my best, sir.

3 Q And somehow you left out the most crucial part.

4 MR. CLARKE: Objection. Argumentative.

5 THE COURT: Sustained.

6 BY MR. ZUCKER:

7 Q And of course, when you testified in front of  
8 the grand jury, that was after you had discussed this with  
9 your family and learned what was in the newspapers.  
10 Right?

11 A No, sir.

12 MR. ZUCKER: Looking at the clock, judge, is  
13 this --

14 THE COURT: Are you about finished?

15 MR. ZUCKER: I'm not sure. I think there's  
16 actually a fair amount more, but there's --

17 THE COURT: I think we've pretty well covered  
18 the waterfront with cross-examination. You need to wrap  
19 it up.

20 BY MR. ZUCKER:

21 Q All right. You had told Agent Lam on  
22 August 21st that Morales said he personally gave a hot  
23 shot to the brother. Isn't that correct?

24 MR. CLARKE: Objection.

25 THE COURT: Sustained. That's already been

1 asked and answered.

2 BY MR. ZUCKER

3 Q Now of course, these conversations you had with  
4 Mr. Morales when you were incarcerated, you can't identify  
5 anyone else who was present who could corroborate that  
6 they actually occurred, can you, sir?

7 A No, sir.

8 Q It's just you and him. Right?

9 A Yes, sir.

10 MR. ZUCKER: Court's indulgence.

11 (Pause.)

12 BY MR. ZUCKER

13 Q Now Mr. Morales asked you -- well, he wrote down  
14 his mother's name and number. Right? You showed us that  
15 slip of paper?

16 A Yes, sir.

17 Q And he asked you to check to see if Troy Lucas  
18 was in jail in Baltimore. Right?

19 A Yes, sir.

20 Q And he basically was very concerned about where  
21 Troy Lucas was. Right?

22 A Yes, sir.

23 Q And he was concerned about where Troy Lucas  
24 was -- well, I guess at that point he hadn't told you that  
25 he had already informed law enforcement that he believed

1       Troy Lucas was the killer, had he?

2           A     No, sir.

3           Q     And you certainly know that if somebody in  
4       prison cooperates against someone else, that's a  
5       potentially dangerous situation. Right?

6           THE COURT: This has already been covered  
7       completely, Mr. Zucker.

8           MR. ZUCKER: well, it's specifically as to Mr.  
9       Lucas.

10          THE COURT: Mr. Zucker, he already has been  
11       asked about this.

12          MR. ZUCKER: All right.

13          THE COURT: I have a right to regulate excessive  
14       cross-examination. I think that's excessive. You have  
15       already covered that.

16          BY MR. ZUCKER:

17          Q     You would agree, wouldn't you, sir -- did you  
18       know what DMI is?

19          A     Yes, sir.

20          Q     DMI is basically very hostile towards people who  
21       cooperate against them --

22          MR. CLARKE: Objection. Is this a question?

23          BY MR. ZUCKER:

24          Q     Is that not true?

25          A     I don't know.

1 Q All right. Did you know that Troy Lucas was  
2 part of DMI?

3 A No, sir.

4 Q If you knew -- if Mr. Morales had cooperated  
5 against a DMI member, would you expect him to be concerned  
6 about where that person was for Mr. Morales' safety?

7 MR. CLARKE: Objection. Argumentative.

8 THE COURT: Sustained. He doesn't know about  
9 DMI, Mr. Zucker.

10 MR. ZUCKER: I'm sorry?

11 THE COURT: He says he doesn't know about DMI.

12 MR. ZUCKER: No. He said he knew about them,  
13 but he didn't know whether or not they were hostile  
14 towards cooperators.

15 BY MR. ZUCKER:

16 Q Forgot DMI for a moment, sir. In your  
17 experience -- you've expressed on Facebook hostility  
18 towards the people who cooperated against your cousin.  
19 Isn't that --

20 MR. CLARKE: Objection.

21 THE COURT: Sustained.

22 MR. ZUCKER: It's predicate, judge.

23 THE COURT: I sustain the objection.

24 BY MR. ZUCKER:

25 Q If Mr. Morales had cooperated against Troy

1 Lucas, it would be fair to assume he would be concerned  
2 about --

3 MR. CLARKE: Objection.

4 BY MR. ZUCKER:

5 Q -- repercussions from Mr. Lucas. Is that a fair  
6 statement?

7 THE COURT: Overruled. You can answer that.  
8 But that I think we covered that already.

9 THE WITNESS: Can you say that again, please?

10 BY MR. ZUCKER:

11 Q Sure. If Mr. Morales had cooperated against  
12 Troy Lucas and they were both in prison, he would be --  
13 you would expect him to be concerned about where Mr. Lucas  
14 was in terms of potential get back --

15 MR. CLARKE: Objection as to Mr. Lucas'  
16 expectations.

17 THE COURT: That's sustained.

18 BY MR. ZUCKER:

19 Q would you expect --

20 THE COURT: Sustained I said.

21 MR. ZUCKER: I'll rephrase a different question  
22 as to Mr. Morales' concern.

23 THE COURT: Well, ask a new question.

24 MR. ZUCKER: I thought I rephrased --

25 THE COURT: I sustained the objection to the

1 question. Ask a new question.

2 BY MR. ZUCKER:

3 Q The question is this. If Mr. Morales had  
4 cooperated against Troy Lucas, the killer of Rob Long,  
5 would you expect Mr. Morales to be concerned about  
6 repercussions from Mr. Lucas?

7 MR. CLARKE: Objection. Speculation again.

8 THE COURT: Sustained. It has very little to do  
9 which anything appropriate on cross-examination of this  
10 witness on the subjects he's testified about. So ask  
11 him --

12 BY MR. ZUCKER:

13 Q You're certainly concerned about repercussions  
14 from Mr. Morales having testified against him, aren't you,  
15 sir?

16 MR. CLARKE: Objection.

17 THE COURT: Sustained. Move on to another  
18 question.

19 MR. ZUCKER: Court's indulgence. Can I have a  
20 moment to consult before I rest finally, judge?

21 THE COURT: You may.

22 (Pause.)

23 BY MR. ZUCKER

24 Q You were cell mates for a brief time with Dustin  
25 Ray, were you not, sir?

1 A One day.

2 Q So you know each other?

3 A If that's --

4 Q You were together for at least a day. Right?

5 A Yes.

6 Q You both knew each other as guys from Baltimore?

7 A I don't know where Dustin is from.

8 Q Did you tell other people -- another inmate at  
9 Allenwood that you were going to lie on Mr. Morales in  
10 this trial?

11 A Never.

12 MR. ZUCKER: Moment to consult.

13 (Pause.)

14 BY MR. ZUCKER:

15 Q Sir, you claimed that the series of numbers --  
16 well, first off, Mr. Morales identified Troy by name, but  
17 left out his last name initially. Is that a fair  
18 statement?

19 A Yes.

20 Q And later on, he told you his last name was  
21 Lucas. Right?

22 A Yes.

23 Q And then you claimed he wrote it out in code by  
24 using numbers. Right?

25 A Yes, sir.



1 Q That wasn't something you wrote?

2 A No, sir.

3 MR. ZUCKER: Thank you. No further questions.

4 (Excerpt concluded.)

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CERTIFICATE OF REPORTER

I, Lisa K. Bankins, an Official Court Reporter for the United States District Court for the District of Maryland, do hereby certify that I reported, by machine shorthand, in my official capacity, the proceedings had and testimony adduced upon the trial in the case of the United States of America versus Jose Joaquin Morales, Criminal Action Number 12-0480, in said court on the 3rd day of October, 2013.

I further certify that the foregoing 89 pages constitute the official transcript of said proceedings, as taken from my machine shorthand notes, together with the backup tape of said proceedings to the best of my ability.

In witness whereof, I have hereto subscribed my name, this 6th day of October, 2013.

*Lisa K. Bankins*

Lisa K. Bankins  
Official Court Reporter

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